

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

RECEIVED
2007 JUL 31 P 4:11

PLAINTIFF,

) DEBRA P. HACKETT, CLK
) U.S. DISTRICT COURT
) MIDDLE DISTRICT ALA.
) CIVIL ACTION NO.

v.

2:07-cv-694-JD

ONE PARCEL OF PROPERTY
LOCATED AT 867 COUNTY ROAD
227, CLANTON, CHILTON
COUNTY, ALABAMA, WITH ALL
APPURTEANCES AND
IMPROVEMENTS THEREON,

DEFENDANT.

)

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is an action pursuant to Title 18, United States Code, Section 985, to forfeit and condemn to the use and benefit of the United States of America certain real property and premises, located at 867 County Road 227, Clanton, Chilton County, Alabama, with all appurtenances and improvements thereon, in accordance with Title 21, United States Code, Section 881.

THE DEFENDANT IN REM

2. The defendant in this action is real property located at 867 County Road 227, Clanton, Chilton County, Alabama, with all appurtenances and improvements thereon, more particularly described as follows:

Commence at the Southwest Corner of the Southwest Fourth of the Southeast Fourth of Section 12, Township 21-North, Range 13-East, Chilton County, Alabama, the point of beginning; thence North 0 degrees 02 minutes 45 seconds West 1315.40 feet to an iron pin; thence North 89 degrees 55 minutes 53 seconds East 1325.27 feet to an iron pin on the west right-of-way of Moody Williams Road; thence along said right-of-way in a curve to the right with a radius of 1736.70 feet to a chord of South 10 degrees 23 minutes 45 seconds West a distance of 204.91 feet; thence along a curve to left with a radius of 939.60 feet a chord of South 5 degrees 57 minutes 17 seconds west a distance of 268.35 feet; thence continue along said right-of-way South 1 degree 10 minutes 30 seconds East 848.72 feet to an iron pin; thence leaving said right-of-way north 90 degrees West 1276.80 feet to the point of beginning; lying in the Southeast fourth, Section 12, Township 21-North, Range 13-East, Chilton County, Alabama, and containing 38.50 acres, more or less.

Parcel # 16-01-12-0-000-014.001

The record owner of the defendant real property is Royce Williams.

3. The defendant real property has not been seized but it is located within this district and within the jurisdiction of the Court. The United States does not request authority from the Court

to seize the defendant real property at this time. The United States will, as provided by 18 U.S.C. §985(b)(1) and (c)(1):

- a) post notice of this action and a copy of the complaint on the defendant real property;
- b) serve notice of this action on the defendant real property owner, and any other person or entity who may claim an interest in the defendant, along with a copy of this Complaint;
- c) execute a writ of entry for purposes of conducting an inspection and inventory of the property, if required;
- d) file a lis pendens in county records of the defendant real property's status as a defendant in this in rem action.

The United States will also, as provided by 19 U.S.C. § 1606, appraise the defendant real property.

JURISDICTION AND VENUE

4. The United States brings this action in rem in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has in rem jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1395 and 21 U.S.C. § 881(j), because the acts or omissions giving rise to the forfeiture occurred in this district and the property is located within the Middle District of Alabama.

BASIS FOR FORFEITURE

7. The United States brings this action in rem, in its own right to forfeit and condemn the defendant property under 21 U.S.C. § 881(a)(7).

8. The United States seeks to forfeit the defendant real property, including any right, title and interest in the whole of any lot or trace and any appurtenances or improvements thereon, because it was used or intended to be used, to commit, or to facilitate the commission of a violation of 21 U.S.C. § 841(c), and a conspiracy to commit the same offense. Because the defendant real property facilitated a violation of 21 U.S.C. § 841(c), and a conspiracy to commit the same offense, offenses punishable by more than one year's imprisonment, it is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(7).

FACTS

9. The facts and circumstances supporting the seizure and forfeiture of the Defendant property are:

On July 27, 2007, law enforcement agents executed a search warrant in and on the Defendant real property. During the search approximately 408 marijuana plants, approximately 3 plastic

containers of dried marijuana, \$18,400 in United States currency, firearms, weight scales of a type used in drug trafficking items used in marijuana cultivation and drug paraphernalia were seized from the real property and structures thereon.

CLAIM FOR RELIEF

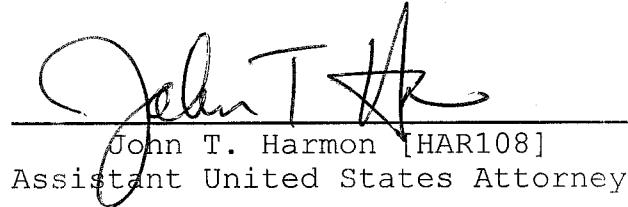
10. The United States repeats and realleges the above allegations set forth in Paragraph 9 above.

11. 18 U.S.C. § 985(c)(3) provides that, because the United States will post notice of this Complaint on the defendant real property, it is not necessary for the Court to issue an arrest warrant in rem, or to take any other action to establish in rem jurisdiction over the defendant real property. 18 U.S.C. § 985(b)(2) states that "the filing of a lis pendens and the execution of a writ of entry for the purpose of conducting an inspection and inventory of the property shall not be considered a seizure under this subsection."

WHEREFORE, that notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the property; that the defendant property be forfeited and condemned to the United States; that the United States be awarded its costs and disbursements in this action and for such other and further relief as this Court deems proper and just.

Respectfully submitted this the 31st day of July, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY


John T. Harmon [HAR108]
Assistant United States Attorney

Address of Counsel:

Office of the United States Attorney
Middle District of Alabama
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560
E-mail: John.Harmon@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

VERIFICATION

I, Todd Mims, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the United States Drug Enforcement Administration, that I have read the foregoing Verified Complaint and know the contents thereof, and that the matters contained in the Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information are the official files and records of the United States and other law enforcement agencies, information supplied to me by other law enforcement officers, and the investigation of this case by myself and others.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct this 31st day of July, 2007.



TODD MIMS-Task Force Agent
Drug Enforcement Administration

Sworn to and subscribed before me this the 31st day of July, 2007.

Donald G. Shaw
Notary Public
Commission Expires: 9.23.09

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
)
PLAINTIFF,)
)
v.) CIVIL ACTION NO. 2:07-cv-694-ID
)
)
ONE PARCEL OF PROPERTY)
LOCATED AT 867 COUNTY ROAD)
227, CLANTON, CHILTON)
COUNTY, ALABAMA, WITH ALL)
APPURTEANCES AND)
IMPROVEMENTS THEREON,)
)
DEFENDANT.)

NOTICE OF COMPLAINT FOR FORFEITURE AGAINST REAL PROPERTY

Notice is hereby given that a civil complaint seeking forfeiture pursuant to 21 U.S.C. § 881 has been filed in the United States District Court for the Middle District of Alabama by Leura G. Canary, United States Attorney, on behalf of the United States of America against the defendant property. The complaint alleges that said property may, for the causes stated in the complaint, be condemned as forfeited to the United States.

The defendant property is more particularly described as follows:

Commence at the Southwest Corner of the Southwest Fourth of the Southeast Fourth of Section 12, Township 21-North, Range 13-East, Chilton County, Alabama, the point of beginning; thence North 0 degrees 02 minutes 45 seconds West 1315.40 feet to an iron pin; thence North 89 degrees 55 minutes 53 seconds East 1325.27 feet to an iron pin on the west right-of-way of Moody Williams Road; thence along said right-of-way in a curve to the right with a radius of 1736.70 feet to a chord of South 10 degrees 23 minutes 45 seconds West a distance of 204.91 feet; thence along a curve to left with a radius of 939.60 feet a

chord of South 5 degrees 57 minutes 17 seconds west a distance of 268.35 feet; thence continue along said right-of-way South 1 degree 10 minutes 30 seconds East 848.72 feet to an iron pin; thence leaving said right-of-way north 90 degrees West 1276.80 feet to the point of beginning; lying in the Southeast fourth, Section 12, Township 21-North, Range 13-East, Chilton County, Alabama, and containing 38.50 acres, more or less.

Parcel # 16-01-12-0-000-014.001

YOU ARE, THEREFORE, HEREBY COMMANDED to provide notice of this action to all persons thought to have an interest in or claim to the defendant property and that you promptly, after execution of this process, file the same in this Court with your return thereon.

All persons claiming an interest in or claim against the defendant property, and who have received direct notice of the forfeiture action, must file a verified claim with the Clerk of this Court asserting that interest, in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5), such claim must be filed not later than 30 days after the date of service of the Complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the Complaint or as otherwise specified by Supplemental Rule G(5). In addition, any person having filed such a claim shall also serve and file an answer to the complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within twenty (20) days after filing the claim.

Supplemental Rule G(5) provides in pertinent part: "The claim must: (A) identify the specific property claimed; (B) identify the

claimant and state the claimant's interest in the property; (C) be signed by the claimant under penalty of perjury; and (D) be served on the government attorney designated under Rule G(4)(a)(ii)(C) or (b)(ii)(D)."

Claims and answers are to be filed with Debra P. Hackett, Clerk of Court, United States District Court, Frank M. Johnson United States Courthouse Complex, One Church Street, Montgomery, Alabama 36104, with a copy thereof sent to Assistant United States Attorney John T. Harmon, Office of the United States Attorney for the Middle District of Alabama, Post Office Box 197, Montgomery, Alabama 36101-0197. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

All persons and entities who have an interest in the defendant property may, in addition to filing a claim or in lieu of the filing of a claim, submit a Petition for Remission or Mitigation of the forfeiture for a non-judicial determination of this action pursuant to 28 C.F.R. Part 9.

Additional procedures and regulations regarding this forfeiture action are found at 19 U.S.C. § 1602-1619, 28 C.F.R. § 9 and 18 U.S.C. § 985.

In accordance with 18 U.S.C. § 985, this Notice shall be posted on the defendant property and served on the property owner, along with a copy of the Complaint for Forfeiture.

JESSE SEROYER, JR.
UNITED STATES MARSHAL
MIDDLE DISTRICT OF ALABAMA